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FILED
U.S. DISTRICT COURT
DISTRICT OF WYOMING
2015 MAY 20 PM 3 12
STEPHAN HARRIS, CLERK
CASPER

IN THE UNITED STATES DISTRICT COURT
DISTRICT OF WYOMING

PHYLLIS S. CRANDALL,

PLAINTIFF,

vs.

GERALD WEAVER, M.D.,

DEFENDANT.

Civil Action No. **15 CV 78-F**

COMPLAINT

Plaintiff, through counsel, for her complaint against the defendant, states and alleges as follows:

1. Plaintiff is a resident of Thermopolis, Hot Springs County, Wyoming.
2. Plaintiff has fully and completely complied with the requirements of W. S. Section 1-13-101, *et seq* by timely filing a petition regarding the matters complained of below with the Wyoming Medical Review Panel.
3. At defendant's request, all proceedings before the Wyoming Medical Review panel were halted and the proceedings therein dismissed.
4. On April 21st, 2015 the Director of the Wyoming Medical Review Panel entered an order dismissing all proceedings before it.

5. While formerly a resident of the State of Wyoming, Plaintiff believes that defendant Weaver is now a resident of the State of Washington.
6. There is diversity of citizenship as between the parties.
7. The amount in controversy exceeds seventy-five thousand dollars.
8. Jurisdiction and venue are proper in this Court.
9. At all relevant times defendant was and held himself out to the public to be a medical doctor, licensed in the State of Wyoming to practice medicine, and practicing in the field of General Surgery.
10. Defendant's principal place of business at all relevant times was in Worland, Wyoming.
11. Plaintiff, Phyllis Crandall was a patient of defendant Weaver. There was a physician-patient relationship between Phyllis S. Crandall and Gerald Weaver, M.D.
12. As her physician, defendant Gerald Weaver owed plaintiff Phyllis Crandall a duty of due care in his treatment of her.
13. Beginning on February 7th, 2013 and at multiple times and thereafter through April 25th, 2013 Dr. Weaver cared for Ms. Crandall. That care included abdominal surgery on February 9th and again on April 9th, 2013. Specifically, Dr. Weaver performed an anastomosis and established an ileostomy within Ms. Crandall's bowel.

14. Defendant Dr. Weaver negligently and improperly performed his surgery in multiple respects. Dr. Weaver placed drains in the plaintiff in an improper and negligent fashion and further negligently located the ileostomy.

15. As a direct and proximate result of his negligently performed surgery Phyllis Crandall suffered from severe fecal peritonitis and large abdominal abscesses.

16. Plaintiff was forced to undergo a third surgery by James A. Anderson, M.D., at Wyoming Medical Center on April 26th, 2013 with a resection and diversion of the previous ileostomy and the performance of an ileoileostomy and Hartman procedure.

17. As a direct and proximate result of the defendant's negligence, plaintiff Phyllis Crandall has suffered infection, significant pain, delayed healing and loss of enjoyment of life. She further lost the ability to work for a lengthy period.

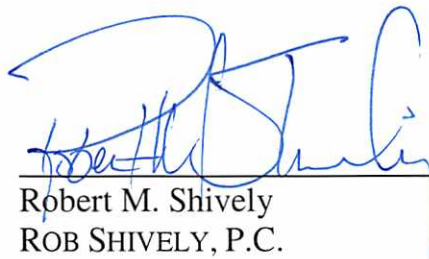
18. As a direct and proximate result of the defendant's negligence, Plaintiff has incurred and may incur in the future substantial medical expenses.

19. Defendant is liable to the plaintiff for damages arising from his negligently performed surgeries, which damages include past and future pain and suffering, past and future loss of enjoyment of life, past and future medical expenses, and lost wages. Plaintiff is entitled to be compensated for these damages together with the costs incurred in this action and for such other and further relief as is just.

WHEREFORE, plaintiff prays that the court enter judgment in favor of the plaintiff and against the defendant for the harms and damages arising from the defendant's

negligent surgery and care; for costs associated with this action and for such other and further relief as appears just.

DATED this 20th day of April, 2015.

A handwritten signature in blue ink, appearing to read "Robert M. Shively", is written over a horizontal line.

Robert M. Shively
ROB SHIVELY, P.C.
ATTORNEY FOR PLAINTIFF